

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

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FILE: B-213152**DATE:** October 11, 1983**MATTER OF:** Arctic Corner, Inc.**DIGEST:**

Protest is dismissed where question of small business protester's responsibility is properly before Small Business Administration for possible issuance of certificate of competency.

Arctic Corner, Inc. (Arctic Corner), protests award to any other bidder under invitation for bids No. DACA51-83-B0071 issued by the Department of the Army (Army).

We dismiss the protest.

Arctic Corner contends that the Army has rejected its bid because of two termination for default actions by the Army against Arctic Corner, which actions Arctic Corner is currently appealing with the Armed Services Board of Contract Appeals.

However, the Army informally advises that because Arctic Corner is a small business concern, the matter of its responsibility has been referred to the Small Business Administration (SBA) under the certificate of competency (COC) procedures. The Army further advises that the SBA has not yet made its determination.

SBA has conclusive authority to determine a small business firm's responsibility by issuing or refusing to issue a COC, 15 U.S.C. § 637(b)(7)(A) (1982). Our Office will not question the SBA's decision not to issue a COC absent a showing of fraud or bad faith on the part of government officials or that the SBA did not consider vital information bearing on the small business firm's responsibility. Bruce Kinney, B-211853, May 31, 1983, 83-1 CPD 594.

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Since the question of Arctic Corner's responsibility currently is being considered by the proper forum, we have no basis to retain jurisdiction over the matter. We therefore dismiss the protest.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel